



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

[REDACTED]
Docket No. 5308-22
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) MILPERSMAN 1430-010
(c) BUPERSINST 1430.16G

Encl: (1) DD Form 149 w/attachments
(2) NPC memo 1430 PERS 8031/284, 27 Jul 22
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to the Time in Rate (TIR) date for E-3, E-4, and E-5.
2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 30 August 2022 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval record, and applicable statutes, regulations and policies.
3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:
 - a. In accordance with reference (b), Commanding Officers of traditional training schools are authorized to advance the number one "A" School graduate in each class to the next higher pay grade (not to exceed E-3). Additionally, the accelerated advancement will be held in abeyance for 4 to 10 months from report date to ultimate duty station. The candidate's Commanding Officer may affect the advancement on any date after a minimum observation period of 4 months. The observation period must begin upon reporting and will not include permanent change of station leave or temporary duty at other commands prior to reporting. The advancement must be effected within 10 months of reporting.
 - b. Reference (c), specifies basic TIR requirement for E-4 to E-5 is 12-months. Commanding Officers may request standard score comparison exception to policy (ETP) no later than 6 months after the missed exams limiting date. Any standard score comparison (SSC) requests submitted later than 6-months after the missed exam's limiting date requires Board action.

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[REDACTED]

c. On 8 April 2019, Petitioner enlisted in the Naval Reserve for a term of 8-years of which 4-years is an active duty obligation.

d. On 12 April 2019, Petitioner signed NAVCRUIT 1133/52, Enlistment Guarantees - Annex "B" to DD Form 4 dated 8 April 2019. Annex "B" listed Aerographer's Mate (AG/SG) Class "A" School Guarantee; Enlistment Bonus for RTC (EBPFA) - \$2,000 Bonus; and Enlistment Bonus for College Credit (EBCC) - \$3,000 Bonus.

e. Petitioner's Active Duty Date is 7 January 2020.

f. On 20 August 2020, Petitioner graduated "A" school. The Commanding Officer, Center for Naval Aviation Technical Training Unit authorized advancement to E-3 effective 20 August 2020. Additionally, Petitioner signed NAVPERS 1070/613, Administrative Remarks, accepting the accelerated advancement to Aerographer's Mate Third Class (AG3)/E-4 and acknowledged the associated 5-year total active obligated service requirement.

g. On 28 August 2020, Petitioner reported to [REDACTED] for duty.

h. On 16 October 2020, Petitioner advanced to Aerographer's Mate Airman/E-3 with a TIR date of 1 October 2020.

i. On 28 December 2020, Petitioner advanced to AG3/E-4 via Special Program with TIR date of 1 July 2020.

j. On 13 January 2021, Petitioner signed NAVPERS 1070/621, Agreement to Extend Enlistment for a term of 12-months.

k. In March 2021, Petitioner participated in Cycle 251 Navy Wide Advancement Examination (NWAE); the exam was invalidated due to being an AG3/E-4 examination.

l. In September 2021, Petitioner participated in Cycle 252 NWAE and was selected for advancement to Aerographer's Mate Second Class (AG2)/E-5 effective 16 January 2022.

m. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action with provisions.

n. On 29 August 2022, Navy Education and Training Professional Development Center provided cycle comparison of September 2021 (Cycle 252) NWAE to March 2021 (Cycle 251) NWAE; Petitioner's final multiple scored (FMS) exceeded the minimum multiple required (MMR) for retroactive advancement to AG2/E-5.

CONCLUSION

Upon review and consideration of all the evidence of record, and in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded Petitioner's date of advancement and TIR should be adjusted for paygrade E-3 in accordance with reference (b). However, the Board found that the Service bared the responsibility to ensure the required 12-month extension was executed prior to authorizing the advancement to

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AG3/E-4 per reference (b); therefore, the date of extension should be amended. Additionally, the Board determined a SSC of Cycle 252 NWAE to Cycle 251 NWAE was warranted and Petitioner met the MMR for retroactive advancement to AG2/E-5 from the Cycle 251 NWAE.

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner advanced to AGAN/E-3 effective "20 August 2020" vice "16 October 2020" with TIR date of "1 August 2020" vice "1 October 2020."

Petitioner's NAVPERS 1070/621, Agreement to Extend Enlistment is dated "27 December 2020" vice "13 January 2021" for a term of 12-months.

After comparison of Petitioner's September 2021 (Cycle 252) NWAE to the March 2021 (Cycle 251) NWAE, Petitioner received the following scores: Standard Score 78.60; Performance Mark Average (PMA) 3.80/48.00; Service in Pay Grade (SIPG) (0100)/00.20; Awards 00.00; Education 0.00; passed not advanced (PNA) 00.00; and FMS = 126.80. The MMR for advancement to AG2/E-5 for Cycle 251 NWAE was 93.08.

Petitioner advanced to AG2/E-5 effective "16 July 2021" vice "16 January 2022" with a TIR date of "1 July 2021" vice "1 January 2022."

Note: Defense Finance and Accounting Service will complete an audit of Petitioner's records to determine retroactive pay and allowances entitlement.

The part of Petitioner's request for corrective action that exceeds the foregoing is denied. The Board determined adjustment to the E-4 TIR was not required in accordance with reference (b).

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

9/9/2022

[REDACTED]
Deputy Director
[REDACTED]